MONTANA LEGISLATIVE HISTORY

Chapter 276 19 93

Bill H 232 S _____ Original bill & history ✓ C

H. Committee on Highways		S. Committee on Highways	
Hearing Date(s) _____	C	Hearing Date(s) _____	C
1/29	✓ C	3/4	✓ C
_____	C	_____	C
_____	C	_____	C
Date Out 1/29	✓ C	3/18	✓

Did this bill originate in an interim committee? ____Yes ✓ No

Committee _____ Report _____

	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO LOCAL GOVERNMENT		
3/04	HEARING		
3/05	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	46	0
3/08	3RD READING CONCURRED	47	1
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/23	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 204		
	EFFECTIVE DATE: 10/01/93		

HB 231 INTRODUCED BY WINSLOW

REQUIRE REPORT ON AGENCY FUNCTIONS THAT COULD BE PRIVATIZED

1/19	INTRODUCED		
1/19	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/19	FIRST READING		
1/19	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/26	HEARING		
1/28	TABLED IN COMMITTEE		

HB 232 INTRODUCED BY CLARK

REVISE TRUCK AND TRUCK TRACTOR BRAKE LAWS

BY REQUEST OF DEPARTMENT OF JUSTICE

1/19	INTRODUCED		
1/19	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/19	FIRST READING		
1/29	HEARING		
2/01	COMMITTEE REPORT—BILL PASSED		
2/03	2ND READING DO PASS MOTION FAILED	49	49
2/04	RECONSIDERED PREVIOUS ACTION	49	46
2/05	2ND READING PASSED	68	31
2/08	3RD READING PASSED	70	29
	TRANSMITTED TO SENATE		
2/10	FIRST READING		
2/10	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/04	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED		
3/22	2ND READING CONCURRED	47	0
3/23	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
3/27	SIGNED BY SPEAKER		
3/31	SIGNED BY PRESIDENT		
4/02	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 276		
	EFFECTIVE DATE: 10/01/93		

HB 233 INTRODUCED BY BENEDICT, ET AL.

REVISE LAW RELATING TO PEDESTRIANS CROSSING ROADWAY WITHIN CROSSWALK

1/19	INTRODUCED		

HOUSE BILL NO. 232

INTRODUCED BY CLARK
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 1, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 2, 1993	PRINTING REPORT.
FEBRUARY 3, 1993	SECOND READING, DO NOT PASS.
FEBRUARY 4, 1993	ON MOTION, PREVIOUS ACTION RECONSIDERED.
FEBRUARY 5, 1993	SECOND READING, DO PASS.
FEBRUARY 6, 1993	ENGROSSING REPORT.
FEBRUARY 8, 1993	THIRD READING, PASSED. AYES, 70; NOES, 29.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 22, 1993	SECOND READING, CONCURRED IN.
MARCH 23, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 24, 1993 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 232

INTRODUCED BY Mark

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE EXEMPTION, FOR TRUCKS OR TRUCK TRACTORS HAVING THREE OR MORE AXLES, FROM THE GENERAL REQUIREMENT THAT MOTOR VEHICLES MUST HAVE BRAKES ACTING ON ALL WHEELS APPLIES ONLY TO TRUCKS OR TRUCK TRACTORS THAT WERE MANUFACTURED BEFORE JULY 25, 1980; AND AMENDING SECTION 61-9-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-304, MCA, is amended to read:

"61-9-304. Brakes required on all wheels -- exceptions. Every vehicle ~~shall~~ must be equipped with brakes acting on all wheels except:

(1) trailers, semitrailers, pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

(a) the total weight on and including the wheels of the trailer or trailers ~~shall~~ may not exceed 40% of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of complying with the performance requirements of 61-9-312;

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(2) any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of 61-9-312;

(3) trucks and truck tractors having three or more axles need not have brakes on the front wheels, ~~except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes~~ if the vehicle was manufactured before July 25, 1980. However, ~~such~~ the trucks and truck tractors must be capable of complying with the performance requirements of 61-9-312.

(4) special mobile equipment as defined in 61-1-104;

(5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes. However, a quadricycle, motorcycle, or motor-driven cycle must be capable of complying with the performance requirements of 61-9-312."

-End-

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0180	ANDERSON, SHIELL 1/14	1/20	REVISE DEFINITION OF SPECIAL MOBILE EQUIPMENT	PASS AS AMENDED 1/22 VOTE: 14-0		1/25
HB0197	QUILICI, JOE 1/15	1/25	DESIGNATE SILVER BOW AND DEER LODGE COUNTIES AS A CULTURAL HERITAGE AREA	PASS AS AMENDED 1/25 VOTE: 16-0		1/27
HB0209	GRADY, ED 1/16	1/25	CLARIFY JUNK VEHICLE EXEMPTION FROM SINGLE MOVEMENT PERMIT	DO PASS 1/25 VOTE: 16-0		1/27
HB0232	CLARK, ROBERT 1/19	1/29	REVISE TRUCK AND TRUCK TRACTOR BRAKE LAWS	DO PASS 1/29 VOTE: 14-0		2/01
HB0233	BENEDICT, STEVE 1/19	1/29	REVISE LAW RELATING TO PEDESTRIANS CROSSING ROADWAY WITHIN A CROSSWALK	DO PASS 2/10 VOTE: 15-0		2/12
HB0256	TOOLE, HOWARD 1/20	1/29	REVISE FEE FOR SPECIAL LICENSE PLATES FOR DISABLED VETS	PASS AS AMENDED 1/29 VOTE: 14-0		2/01
HB0270	GRADY, ED 1/20	1/29	FRATERNAL ORGANIZATION SPECIAL LICENSE PLATES	TABLED ON 02/03 VOTE:		
HB0294	LARSON, DON 1/21	2/01	REVISE LAW CONCERNING VEHICLE LOADS	PASS AS AMENDED 2/1 VOTE: 11-4		2/02
HB0310	WINSLOW, KARYL 1/22	2/17	ALLOW DEPT OF TRANSPORTATION TO LIMIT VEHICLE SIZE AND NUMBER OF TRIPS	TABLED ON 02/17 VOTE:		
HB0336	BIRD, JODY 1/23	2/03	CHANGE PROOF OF AUTO INSURANCE CERTIFICATION LAW	DO PASS 2/15 VOTE: 15-0		2/16
HB0337	BROWN, DAVE 1/23	2/01	CREATE NONRESIDENT TEMPORARY USE PERMIT FOR OFF-HIGHWAY VEHICLES	PASS AS AMENDED 2/1 VOTE: 15-0		2/02
HB0356	GILBERT, BOB 1/26	2/05	CLARIFICATION OF PSC AUTHORITY OVER CARRIER FITNESS AND COMPLAINTS	DO PASS 2/5 VOTE: 15-0		2/06

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on January 29, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Ryan (D)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)
Rep. Tim Whalen (D)

Members Excused: Rep. David Ewer (D)
Rep. Karyl Winslow, Vice Chairman (R)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Kimberlee Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 233, HB 232, HB 256, HB 270
Executive Action: HB 232, HB 256, SB 56

HEARING ON 233

Opening Statement by Sponsor:

REP. STEVE BENEDICT, HD 64, Hamilton, stated HB 233 requires the driver of a motor vehicle yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian begins crossing. Current law states a motor vehicle must yield to a pedestrian when they are in the lane of traffic or close enough to that lane

of traffic to present a hazard. This bill stipulates that once the pedestrian starts crossing the street both lanes of traffic would need to stop until that pedestrian is across the street. **REP. BENEDICT** said the handicapped have a problem crossing streets and this bill would help them.

Proponents' Testimony:

Joe Lear, Director of Public Works, Missoula, stated the city of Missoula supports this bill for two reasons. In the city of Missoula we have air quality problems and one of the things we are trying to promote is the use of bicycles and walking. This bill will make it easier for people to get across the streets. Safety is also an issue and the way the law is written today is that the pedestrian would have to leave the sidewalk and start walking until he is in danger and then the vehicle must stop.

REP. VOGEL, HD 86, Billings, speaking in support of the bill, stated that last summer he went through all the city codes and when he came to this one and read through it he thought that it didn't make sense.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. KELLER asked if signage would have to be provided. **Mr. Lear** stated no, that most states already have this law.

REP. BARNETT stated that **REP. FOSTER** has a bill coming which deals with crosswalks and asked **REP. BENEDICT** if he was familiar with that bill. **REP. BENEDICT** stated no, and that he would have no objection to holding the bill in committee until **REP. FOSTER'S** comes through.

REP. HANSON asked **REP. BENEDICT** if he used another state as a pattern for this bill. **REP. BENEDICT** stated it is modeled after California law.

Closing by Sponsor: **REP. BENEDICT** closed.

HEARING ON HB 232

Opening Statement by Sponsor:

REP. BOB CLARK, HD 31, Ryegate, stated HB 232 places a provision in the law that any vehicle with three axles, manufactured after January 5, 1980, will be required to have brakes on the steering axle.

Proponents' Testimony:

Col. Bob Griffith, Chief, Montana Highway Patrol, stated that the reason for this piece of legislation is to bring Montana into

compliance with the federal regulations which have been adopted. The federal government is urging Montana to make statutes comply with federal regulations. There has not been any objection to this bill.

Ben Havdahl, Montana Motor Carriers' Association, stated the Association would like to go on the record in support of this bill.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: **REP. CLARK** closed.

HEARING ON HB 256

Opening Statement by Sponsor:

REP. HOWARD TOOLE, HD 60, Missoula, stated that this bill came as a result of a conversation with a Pearl Harbor veteran who had trouble getting a Pearl Harbor Plate in addition to a veterans' plate. He was trying to get past problems addressed in the 1991 session. We would like to give veterans any type of plate for the $5.00 fee.

Proponents' Testimony:

Dean Roberts, Administrator Motor Vehicles Division, stated that a disabled veteran who is a member of one branch of the service would like to carry the branch of the service. This bill gives the veteran the opportunity to choose what plate he wants. He can still only get one plate, this just gives him the option to choose. He also stated they would like to amend the bill. **EXHIBIT 1** This amendment clarifies that the veteran can only receive one military related plate of his/her choice.

George Poston, United Veterans' Community of Montana, stated that they support this bill.

Hal Manson, American Legion, stated the Legion supports this bill.

Dick Baumberger, Disabled American Veterans of Montana, stated that they support this bill.

Jim Jacobson, Administrator, Veterans Affairs Division, stated that they support this bill.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Dick Michelotti, Cascade County Treasurer, stated that fraternal organizations are to be commended for the good deeds they do. However, today we rise in opposition to HB 270, not because of the intent of the bill, but because of the process it continues. The state has produced over 20 tons of plates which have to be stored. We need to draw the line. We need to stop this ever-growing list of special plates.

Questions From Committee Members and Responses:

REP. VOGEL asked **Mr. McGinnis** if he was aware that the $5,200 cost the organization is willing to pick up is actually $52,000? **Mr. McGinnis** answered that under item two on the fiscal note, as he sees it, the amount is $5,700.

REP. LARSON asked if these special plates are a problem for law enforcement. **Col.Griffith** stated that to some degree they are.

REP. VOGEL asked if the number designation for the different counties on personalized plates is hard to read. **Col. Griffith** stated that it is true.

Closing by Sponsor:

REP. GRADY, stated that when he agreed to carry this bill there was not to be any cost to the general fund. He stated he is not one to carry anything that asks the general fund for money. The reason he agreed to carry this bill was that this Shriner's program is one of the best programs in the nation, helping them transport crippled children to the hospital. He agreed there are some problems with this bill and hoped that they can be ironed out. The Shriners do not want to cost the counties or state anything and have offered to pay every cost. The bill will require some work and they have offered to help. **REP. GRADY** thanked the committee for their time and closed.

EXECUTIVE ACTION ON HB 232

Motion/Vote: **REP. LARSON MOVED HB 232 DO PASS.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 256

Motion: **REP. STANFORD MOVED HB 256 DO PASS.**

Discussion:

REP. LARSON explained the amendments. **EXHIBIT 8**

Motion/Vote: **REP. LARSON** moved to adopt the amendments. Motion carried unanimously.

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL **DATE** Jan. 29, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR			✓
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE BILLS STATUS SHEET

HIGHWAYS AND TRANSPORTATION COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	DC DO CONCUR	DNC DO NOT CONCUR	DCAA DO CONCUR AS AMENDED	DNCAA DO NOT CONCUR AS AMENDED
HB 41	1/27	2/2,4	2/9	DC			
HB 96	1/20	1/28, 2/4, 9	2/9	DC			
HB 101	1/19	1/28, 2/4	2/4	DC			
HB 170	1/27	2/2, 2/4	2/2	DC			
HB 180	2/1	2/11	2/11	DC			
HB 197	2/3	2/11	2/11			DCAA	
HB 209	2/3	2/11	2/11	DC			
HB 232	2/10	3/4	3/18	DC			
HB 233	2/22	3/9, 18, 31	3/31			DCAA	
HB 256	2/9	3/2, 3/4	3/4	DC			
HB 281	2/12	3/2,4,9	3/9			DCAA	
HB 294	2/9	3/2,4	3/4			DCAA	
HB 295	2/22	3/4	3/4	DC			

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MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on March 4, 1993, at 3:08 p.m.

ROLL CALL

Members Present:
Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: Tom Gomez, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 232, HB 565, HB 295, HB 337,
Executive Action:	HB 295, HB 232, HB 565, SB 417, HB 256, HB 281, HB 294, HB 337

HEARING ON HOUSE BILL 232

Opening Statement by Sponsor:
Rep. Clark, House District 31, said HB 232 would require truck and truck tractors manufactured after July 25, 1980 to have operable front brakes.

Proponents' Testimony:
Colonel Bob Griffith, Montana Highway Patrol, said **Rep. Clark** consented to sponsor HB 232 at the urging of the Montana Highway Patrol. He stated HB 232 would bring state laws into compliance with those federal regulations applicable to commercial trucks. He added that the trucking, logging and agricultural industries

had been informed of HB 232's contents and no one had any objection. He added that the trucking industry spoke in support of HB 232 at the House hearing.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
SEN. TVEIT asked if HB 252 would require that all trucks manufactured after July 25, 1980 have brakes on all axles. **Rep. Clark** replied yes.

SEN. TVEIT asked if HB 252 would make breaks mandatory on "push" or "lift" axles. **Rep. Clark** replied no; HB 252 applies only to front wheel brakes on truck tractor units. He noted that many people have disconnected their front brakes because they felt they had better control without them. He added, however, that numerous studies have proven that disconnecting the front brakes does not necessarily improve the driver's control over the vehicle.

SEN. KOEHNKE asked how the July 1980 date had been determined. **Rep. Clark** replied all truck tractor units were manufactured with front brakes after July 25, 1980.

SEN. HARP asked if HB 252 would affect only those vehicle units which have a gross vehicle weight (GVW) of over 26,100 pounds. **Rep. Clark** replied HB 252 addresses only those truck tractor units in excess of that weight.

CHAIRMAN WEEDING asked if trucks were required to have anti-lock brakes. **Colonel Griffith** replied that anti-lock brakes were not required by law.

Closing by Sponsor:
Rep. Clark closed and stated that **SEN. STANG** had agreed to carry HB 252 on the Senate floor.

HEARING ON HOUSE BILL 565

Opening Statement by Sponsor:
Rep. Wyatt, House District 37, said HB 565 is a relatively simple but fun and historically important bill for parts of eastern Montana. She explained HB 565 would identify and designate the Charles M. Russell Trail which would run between the towns of Lewistown, Utica, Stanford, Belt and Great Falls. She stated the trail would involve the historical importance of Charles Russell and his paintings to the subject matter of that section of Montana. She stated the Charles M. Russell trail would be important for Montana's developing tourism industry. She noted

SEN. MCCLERNAN asked if HB 397 would address riding lawn tractors. **Rep. Brown** replied no, just motorcycles.

Closing by Sponsor:
Rep. Brown said HB 337 was patterned after the snowmobile law which does the same thing for non-resident snowmobilers. He stated the majority of these OHV permits would be sold by FWP officials at events, and would not create an undue burden for local retailers who sell other licenses and permits. He informed the Committee that **SEN. FORRESTER** would carry HB 337 on the Senate floor if the bill gained the Committee's approval.

EXECUTIVE ACTION ON HOUSE BILL 337

Motion/Vote:
SEN. SWYSGOOD moved HB 337 BE CONCURRED IN. The MOTION CARRIED WITH **SENATORS STANG** and **TOEWS** voting NO. **SEN. FORESTER** will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 295

Motion/Vote:
SEN. KOEHNKE moved HB 295 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. **SEN. KOEHNKE** will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 232

Motion:
SEN. TVEIT moved HB 232 BE CONCURRED IN.

Discussion:
SEN. SWYSGOOD asked if anyone had testified in opposition to HB 232. **CHAIRMAN WEEDING** replied no. He added that HB 232 would only require that all trucks manufactured after July 25, 1980 have functional front brakes.

SEN. REA asked if trucks did not have them prior to that date. **SEN. SWYSGOOD** said many tractors were made without front wheel brakes. He asked if there was a particular reason to select 1980 as the cut off date. **SEN. KOEHNKE** replied the trucks manufactured before that date did not have front brakes.

SEN. SWYSGOOD asked if after July 25, 1980 all trucks were manufactured with front wheel brakes. He stated the Committee should verify that the date corresponded with the equipment being operated in Montana before taking executive action on HB 232. He stated having to install front brakes on these vehicles would

entail having to install new axles and drums which would be very costly.

SEN. TVEIT said the sponsor had said that manufacturers started installing front brakes in all trucks after that date.

SEN. SWYSGOOD asked if buyers had an option after July 1980 to buy equipment either with or without front wheel brakes. **Dave Galt** said he did not know. **Doug Abelin** said he had worked in the oil fields for about 20 years and yes, they did had that option. He suggested "grandfathering in" vehicles which were purchased without front wheel brakes.

SEN. SWYSGOOD said that was his concern. He stated all trucks are now manufactured with front wheel brakes, but he distinctly remembered a period when those brakes were optional. **Ben Havdahl, Montana Motor Carriers Association (MMCA)**, verified **SEN. SWYSGOOD's** statement.

SEN. SWYSGOOD said he was concerned that some of those trucks on which the front wheel brakes were optional were manufactured in 1980 or since then.

CHAIRMAN WEEDING suggested the Committee defer action on HB 232 to give **SEN. SWYSGOOD** the chance to investigate that matter.

SEN. REA asked what size trucks would HB 232 address. **Dave Galt** stated HB 232 addressed trucks which are considered commercial vehicles by the federal motor carrier safety regulations. He noted the intent of HB 232 was to bring Montana's statutes into compliance with those federal regulations.

SEN. SWYSGOOD commented that many motor carriers had felt that front wheel brakes increased the possibility of sliding or jack-knifing on slippery roads. He noted he was unsure if that had been proved or disproved, but added that many motor carriers had opted not to have front wheel brakes. He said the Federal Highway Safety Act has made those brakes a requirement.

Ben Havdahl noted that Montana has adopted the updated, latest version of the Federal Motor Carrier Safety Regulations by reference. He explained current statute does not reflect that and Montana is put in a position where the statute and the regulations do not conform with one another. He said the language in HB 232 would correct that conflict. He noted HB 232 was initially killed in the House, but was reconsidered because of the fact that Montana is between the regulations and the statute.

DISCUSSION ON POSSIBLE LEGISLATION

Discussion:
CHAIRMAN WEEDING recognized **Doug Abelin** who had asked for the opportunity to inform the Committee about the progress being made on the bill concept he had presented on February 20, 1993.

Doug Abelin said this bill was not an "alternative helmet bill", but a method to dispose of the safety funds which the death of that bill created. He explained the OHV community had developed a safety bill and felt that it could be adapted to include an educational program for the entire state by using some of the funds from the helmet law. He said he had worked with **Al Goke** of the Highway Traffic Safety Program and FWP and together they had developed a safety program. He said this concept has been approved as an appropriations bill with the funding **Al Goke** has authorized, but added that the safety portion of the bill would not be enacted until the federal funds become available. He concluded that the bill's text was being finalized.

EXECUTIVE ACTION ON HOUSE BILL 565

Discussion:
CHAIRMAN WEEDING asked if the Committee had any objection to an amendment which would extend the Charles M. Russell Trail to the CM Russell Wildlife Refuge. He said it seemed logical that the CM Russell Trail should connect with the CM Russell Wildlife Refuge. No objection was raised.

EXECUTIVE ACTION ON SENATE BILL 417

Motion:
SEN. MCCLERNAN moved SB 417 DO PASS.

Discussion:
CHAIRMAN WEEDING quickly reviewed the content of SB 417.

SEN. STANG stated the fiscal note has an assumption of a $200 tax liability, but on page three, line seven a $1,000 tax liability is cited. He asked if the Committee had considered an amendment.

SEN. MCCLERNAN withdrew his motion.

Motion/Vote:
SEN. STANG moved to AMEND SB 417 to replace the figure of $1,000 tax liability on page three, line seven with $200. The MOTION CARRIED UNANIMOUSLY.

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE MARCH 4, 1993

NAME	PRESENT	ABSENT	EXCUSED
SEN. CECIL WEENING, CHAIR	X		
SEN. BETTY BRUSKI-MAUS, VICE-CHAIR	X		
SEN. JOHN HARP	X		
SEN. FRANCIS KOEHNKE	X		
SEN. HENRY McCLERNAN	X		
SEN. JACK "DOC" REA	X		
SEN. BARRY "SPOOK" STANG	X		
SEN. CHARLES "CHUCK" SWYSGOOD	X		
SEN. DARYL TOEWS	X		
SEN. LARRY TVEIT	X		

FC8

Attach to each day's minutes

DATE MARCH 4, 1993

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

BILLS BEING HEARD TODAY: HB 232, HB 337, HB 565, HB 295

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Col Bob Griffith	Dept of Justice	232	✓	
Bob Walker	FW+P	HB337	✓	
DONALD P. DUSEK	DEPT. OF TRANSPORTATION	HB 295		✓
David S Johnson	Dept of Tran.	HB295		
M. KORIZEK	OOC - Tourism	HB 565	X	
Glenna Wortman - Obie	AAA Montana	HB 295	X	
Francis Wright	Wishart MT	HB295	✓	
Donalene O'Neill	109 No H Livingston	HB295	✓	
Charlie Barth	Nuhart	HB295	✓	
J. D. "Sonny" O'Neill	Livingston	HB 295	✓	
P. L. Buskirk	Neihart	HB295	✓	
Linda Ellison	MT Trail Vehicle Riders	HB 337	✓	
Gloria Hermanson	MT Cultural Advocacy	HB 565	✓	
Dennis Unsworth	MDT	HB 295		
Ben Havdahl	MT Motor Carriers	H 232	✓	
DAVE BROWN	SPONSOR - HD #72	HB-337	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on March 18, 1993, at 3:03 p.m.

ROLL CALL

Members Present:
Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: Sen. John Harp

Staff Present: Tom Gomez, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 572, HJR 10, HB 606
Executive Action:	SB 373, HB 232, HB 233, HB 336, HB 397, HB 478, HJR 10, HB 606

HEARING ON HOUSE BILL 572

Opening Statement by Sponsor:
Rep. Galvin, House District 40, said the Department of Transportation (DOT) had requested HB 572. He stated DOT currently issues $50 permits for overweight trucks which cannot be reduced any further for travel to anywhere in the state. **Rep. Galvin** explained HB 572 would change the $50 flat rate into a graduated fee based upon the weight of the load and the miles it will be hauled. He stated Montana State University (MSU) had developed the fee schedule contained in HB 572. He stated HB 572 is a very good measure which will give Montana the same type of overweight permit fees already used by neighboring states.

short. He informed the Committee that the commercial hay grinders are not over-the-road vehicles but are on the highway just to get from one place to another. He said **Mr. Faust** quite often grinds hay well into darkness and has to unhook, go home and come back the next morning to move to his next operation. **Rep. Ellis** explained commercial hay grinders are very expensive because they have 350 horsepower engines. He stated the fewer hours **Mr. Faust** can operate, the more expensive it is for farmers and ranchers.

EXECUTIVE ACTION ON SENATE BILL 373

SEN. SWYSGOOD informed the Committee that **SEN. STANG** had left proxy votes with him, and that he would give **SEN. STANG's** vote each time the Committee took action (Exhibit #3).

Motion:
SEN. MCCLERNAN moved SB 373 DO PASS.

Discussion:
SEN. REA asked that the content of SB 373 be clarified.

CHAIRMAN WEEDING and **SEN. SWYSGOOD** briefly explained the content of SB 373. **CHAIRMAN WEEDING** noted that SB 373 would accommodate the banking community by helping them keep track of security interests. He said SB 373 would require all vehicle titles to be filed with the Motor-Vehicle Division, Department of Justice. He said SB 373 would also raise the filing fees on off-road vehicles to make them consistent with the fees charged for other motor vehicles.

Vote:
The MOTION FAILED with **SEN. TVEIT, SEN. SWYSGOOD, SEN. KOEHNKE, SEN. TOEWS,** and **SEN. STANG** voting NO.

Motion/Vote:
SEN. SWYSGOOD moved to TABLE SB 373. The MOTION CARRIED with **SEN. MCCLERNAN, SEN. REA,** and **CHAIRMAN WEEDING** voting NO.

EXECUTIVE ACTION ON HOUSE BILL 232

Discussion:
CHAIRMAN WEEDING asked **SEN. SWYSGOOD** if he had received the information he had requested on HB 232. **SEN. SWYSGOOD** replied he had, and he said favored HB 232 because it would make Montana statute consistent with federal statute.

Motion/Vote:
SEN. REA moved HB 232 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. **SEN. STANG** will carry HB 232 on the Senate floor.

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORT. DATE MARCH 18, 1993

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CECIL WEEDING, CHAIR	X		
SENATOR BETTY BRUSKI-MAUS, V-CHAIR	X		
SENATOR DARYL TOELJS	X		
SENATOR JOHN HARP		X	
SENATOR FRANCIS KOEHNKE	X		
SENATOR JACK "DOC" RIZA	X		
SENATOR LARRY TUELT	X		
SENATOR CHARLES SYLVSGOOD	X		
SENATOR BARRY "SPOOK" STANG	X		
SENATOR HENRY McCLERNAN	X		

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Attach to each day's minutes

HOUSE BILL NO. 232

INTRODUCED BY CLARK

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE EXEMPTION, FOR TRUCKS OR TRUCK TRACTORS HAVING THREE OR MORE AXLES, FROM THE GENERAL REQUIREMENT THAT MOTOR VEHICLES MUST HAVE BRAKES ACTING ON ALL WHEELS APPLIES ONLY TO TRUCKS OR TRUCK TRACTORS THAT WERE MANUFACTURED BEFORE JULY 25, 1980; AND AMENDING SECTION 61-9-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-304, MCA, is amended to read:

"**61-9-304. Brakes required on all wheels -- exceptions.** Every vehicle ~~shall~~ must be equipped with brakes acting on all wheels except:

(1) trailers, semitrailers, pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

(a) the total weight on and including the wheels of the trailer or trailers ~~shall~~ may not exceed 40% of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of complying with the performance requirements of 61-9-312;

(2) any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of 61-9-312;

(3) trucks and truck tractors having three or more axles need not have brakes on the front wheels, ~~except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes~~ if the vehicle was manufactured before July 25, 1980. However, ~~such~~ the trucks and truck tractors must be capable of complying with the performance requirements of 61-9-312.

(4) special mobile equipment as defined in 61-1-104;

(5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes. However, a quadricycle, motorcycle, or motor-driven cycle must be capable of complying with the performance requirements of 61-9-312."

-End-